

### **DETAILED ACTION**

1. The following office action is in response to the amendment filed on March 17, 2008.

Claims 7-10 and 16-19 are pending. Claim 7 has been amended. Claims 16-19 are newly added.

#### ***Claim Rejections - 35 USC § 103***

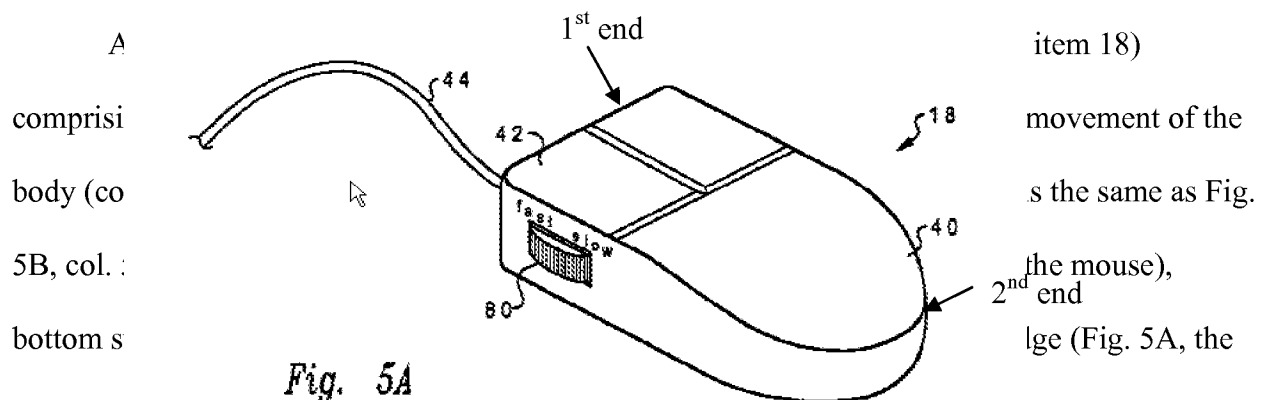
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaaskelainen, Jr (US 6,115,029) in view of McLoone et al (US 6,556,150).

As to independent claim 7, Jaaskelainen, Jr. teaches a mouse (Fig. 5A, item 18) comprising: a body (item 40) including an element (Fig. 5B, item 48) to detect movement of the body (col. 4, lines 23-26, describing Fig. 3B where Jaaskelainen, Jr. teach that is the same as Fig. 5B, col. 5, lines 21-26), said body having an upper surface (Fig. 5A, the top of the mouse), bottom surface (Fig. 5B teaches the bottom surface of the mouse), and a side edge (Fig. 5A, the side edge shown by the side where the dial wheel 80 is located) between said upper surface and said bottom surface (Fig. 5A, the side where the dial wheel 80 is located), said element (48) on said bottom surface (Fig. 5B); a pair of buttons (Fig. 5a, items 42) on said upper surface, said upper surface having a pair of opposed first and second ends (Fig. 5A, as replicated below, and showing a 1<sup>st</sup> end and a 2<sup>nd</sup> end as labeled), said buttons closer to the first end than to the second end (shown by Fig. 5A as replicated below, where the buttons are against the 1<sup>st</sup> end, thus teaching closer to the 1<sup>st</sup> end opposed to 2<sup>nd</sup> end); and a control (dial wheel, item 80) to enable

the user to manually change the rate at which a cursor image moves in response to movement of said body (col. 5, lines 17-26), said control positioned on said edge (80 positioned on the side edge). Jaaskelainen, Jr. does not explicitly teach where the control is between said buttons and said second end. In a similar field of endeavor, McLoone et al teach a computer input device where instead of buttons on the top surface of the mouse, there is a trackball in Fig 1. McLoone et al teach a control, item 34, similar to that of the control of Jaaskelainen, Jr. McLoone et al teach where the control is between said trackball and second end (shown in Fig. 1, where the first end is the end with the wire, item 36, and the second end is the opposite end as shown in Fig. 2, the end labeled 82). Further, McLoone et al teach in col. 11, lines 44-47 where the trackball type computer input device maybe substituted with a non-trackball computer mouse. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include where the control is between the trackball (in place of buttons) at the first end and the second end as taught by McLoone et al into Jaaskelainen, Jr. as the trackball mouse maybe substituted with a non-trackball mouse (McLoone et al col. 11, lines 44-47) and where the location of the horizontal wheel enables the user to ergonomically actuate the wheel with the thumb (McLoone et al col. 2, lines 30-48).



side edge shown by the side where the dial wheel 80 is located) between said upper surface and said bottom surface (Fig. 5A, the side where the dial wheel 80 is located), said element (48) on said bottom surface (Fig. 5B); a pair of buttons (Fig. 5a, items 42) on said upper surface, said upper surface having a pair of opposed first and second ends (Fig. 5A, as replicated below, and showing a 1st end and a 2nd end as labeled), said buttons closer to the first end than to the second end (shown by Fig. 5A as replicated above, where the buttons are against the 1<sup>st</sup> end, thus teaching closer to the 1st end opposed to 2nd end); and a control (dial wheel, item 80) to enable the user to manually change the rate at which a cursor image moves in response to movement of said body (col. 5, lines 17-26), said control positioned on said edge (80 positioned on the side edge).

Jaaskelainen, Jr. does not explicitly teach where said control being closer to said second end than said buttons. McLoone et al teach a computer input device where instead of buttons on the top surface of the mouse, there is a trackball in Fig 1. McLoone et al teach a control, item 34, similar to that of the control of Jaaskelainen, Jr. McLoone et al teach where the control being closer to said second end than said buttons (shown in Fig. 1, where the first end is the end with the wire, item 36, and the second end is the opposite end as shown in Fig. 2, the end labeled 82). Further, McLoone et al teach in col. 11, lines 44-47 where the trackball type computer input device maybe substituted with a non-trackball computer mouse. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include where the control is closer to the second end than the trackball (taught in place of the buttons) as taught by McLoone et al into Jaaskelainen, Jr. as the trackball mouse maybe substituted with a non-trackball mouse

(McLoone et al col. 11, lines 44-47) and where the location of the horizontal wheel enables the user to ergonomically actuate the wheel with the thumb (McLoone et al col. 2, lines 30-48).

As to dependent **claim 8**, limitations of claim 7, and further comprising, Jaaskelainen, Jr. teach wherein said body includes a curved upper surface and a side wall (Fig. 5A shows where the top surface is curved at the 2<sup>nd</sup> end, also the side wall where item 80 is located is also curved towards the 2<sup>nd</sup> end), said control being positioned in said side wall (Fig. 5A, item 80 positioned on the side wall).

As to dependent **claim 9**, limitations of claim 7, and further comprising, Jaaskelainen, Jr. teach wherein said control is a roller switch (Fig. 5A, item 80, col. 5, lines 17-26, roller switch for controlling the speed of movement).

As to dependent **claim 10**, limitations of claim 7, and further comprising, Jaaskelainen, Jr. teach wherein said control enables the rate at which the cursor image moves to be manually increased or decreased (Fig. 5A, item 80 is the control switch, and col. 5, lines 17-26 where the movement is manually controlled and increased or decreased).

As to dependent **claim 17**, limitations of claim 16, and further comprising, Jaaskelainen, Jr. teach wherein said body includes a curved upper surface and a side wall (Fig. 5A shows where the top surface is curved at the 2<sup>nd</sup> end, also the side wall where item 80 is located is also curved towards the 2<sup>nd</sup> end), said control being positioned in said side wall (Fig. 5A, item 80 positioned on the side wall).

As to dependent **claim 18**, limitations of claim 16, and further comprising, Jaaskelainen, Jr. teach wherein said control is a roller switch (Fig. 5A, item 80, col. 5, lines 17-26, roller switch for controlling the speed of movement).

As to dependent **claim 19**, limitations of claim 16, and further comprising, Jaaskelainen, Jr. teach wherein said control enables the rate at which the cursor image moves to be manually increased or decreased (Fig. 5A, item 80 is the control switch, and col. 5, lines 17-26 where the movement is manually controlled and increased or decreased).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 7-10 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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